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UNCLAS SECTION 01 OF 02 OTTAWA 001780

SIPDIS

STATE FOR WHA/CAN, INL

WHITE HOUSE FOR HOMELAND SECURITY COUNCIL

DHS OFFICE OF INTERNATIONAL AFFAIRS (Marmaud)

CUSTOMS AND BORDER PROTECTION (Bonner)

SENSITIVE

E.O. 12958: N/A

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SUBJECT: SPP: Enhancing Canadian Law Enforcement Presence on the Border

Ref Ottawa 0940

SENSITIVE BUT UNCLASSIFIED--PLEASE PROTECT ACCORDINGLY.

1. (SBU) Summary: The President of Canada's Customs Officers' Union (CEUDA) has made the case before a Parliamentary committee that Canada needs an enhanced armed presence along the border between official ports of entry (POEs), and more generally that Customs officers need to have better access to law enforcement tools. Deputy Prime Minister Ann McLellan, who has ministerial responsibility for policing and border security, is opposed to the idea of expanding the law enforcement activities of Customs officers and insists that the RCMP is doing a very capable job of policing the border. Post is aware of significant anecdotal evidence that supports the CEUDA assertion that there are myriad security deficiencies along the Canada-U.S. border, and more data will soon be forthcoming. Creation of a Canadian Border Patrol may be one way of addressing these putative deficiencies; however, another way would be to leverage the presence between ports of entry of U.S. Border Patrol and other U.S. law enforcement agencies via the objectives of SPP Security Goal 6, Law Enforcement and Intelligence Cooperation. Carefully managed use of the CEUDA information may help us achieve SPP Goal 6 objectives rapidly. End summary.

2. (U) In March 2005 the union that represents Canada's 5000 Customs Officers (including front line uniformed officers as well as investigation, intelligence and trade officers) the Customs and Excise Union Douanes Accise, or CEUDA, began its effort to describe for parliamentarians and the media a series of security deficiencies along the Canada-U.S. border. CEUDA's objective for this effort is to generate support for the notion of a Canadian "Border Patrol" to provide an enhanced law enforcement presence along the border between official ports of entry (see reftel).

3. (U) Currently Canada Customs officers only have jurisdiction at ports of entry (POEs); they do not work along the border between POEs as do the U.S. Border Patrol. The responsibility to combat the illegal entry of goods and people along the border belongs to the RCMP, a responsibility that was transferred from Customs to the RCMP in the 1930's. CEUDA notes, however, that the ability of the RCMP to perform this task has been seriously impaired: the RCMP recently closed nine RCMP detachments in communities along the border in Quebec province, which, CEUDA maintains, has exacerbated "a border security crisis in Canada." RCMP Commissioner Zaccardelli's statements before the Justice Committee on December 9, 2004, seem to support the CEUDA assertion that, while the RCMP has the mandate to patrol the border between ports of entry, the RCMP does not have enough resources to keep detachments open and actively patrol the border in Quebec, or many other areas for that matter (see reftel).

4. (SBU) The information which CEUDA has circulated includes alarming statistics (See Reftel) suggesting that the Deputy Prime Minister and other senior Government of Canada (GOC) officials, such as Canada Border Services Agency (CBSA) President Alain Jolicouer, are sugar-coating the facts with respect to border intrusions to support the GoC's firm position that the RCMP provides an adequate border policing presence (see reftel). In their conversation with Emboffs senior advisors to Deputy Prime Minister McLellan have dismissed CEUDA's assertions of border security deficiencies as overblown and inconsequential.

5. (SBU) McLellan's advisors' assessment may reflect a reasonable strategic policy stance to avoid creating a new cadre of armed law enforcement officers who will inevitably demand higher pay (a danger benefit) and more crime-fighting

tools; but the reality on the ground is that Canadian CBSA officers are full partners with CBP, RCMP, ICE, USCG and U.S. Border Patrol along the frontier and none of us can afford a weak link. To illustrate this "weak link" point, CEUDA officials told us of a Customs Intelligence officer who very recently provided information to an Integrated Border Enforcement Team (IBET) about several individuals upon whom the IBET was to conduct surveillance. The officer consulted the Canadian Criminal Intelligence database (CPIC) and provided the information from CPIC to the IBET. The CPIC information available to CBSA, however, did not indicate that some of these individuals should be considered possibly armed and dangerous. Subsequently, an RCMP member checked out these people on CPIC, and because RCMP has a higher level of access, the RCMP/CPIC information clearly noted that the individuals were "armed and dangerous" types.

16. (SBU) The CEUDA official observed that conceivably the lack of detail available to the CBSA, which was passed on to and used by the IBET, could have resulted in the IBET group having confronted the individuals without being fully aware of the danger they posed.

17. (SBU) Comment: We share the CEUDA concern that there are significant security discrepancies on the Canadian side of the land border. We believe as well that an infusion of GOC resources would be a very positive step. Rather than support the CEUDA call for a Canadian Border Patrol at this time, however, post sees clear links between the problems identified by CEUDA and the several possible strategies to address border security contained in the SPP. Most of these are those contained in Goal 6, Law Enforcement and Intelligence Cooperation, particularly Objective 6.2, "Increase efforts to assess and defeat smuggling and trafficking," and Objective 6.4, "Enhance law enforcement cooperation to better address illegal activities between ports of entry."

18. (U) Comment continued: Post believes that the public CEUDA concerns present a rich resource of examples which USG negotiators can leverage to push/extract the fullest GOC engagement on achieving SPP objectives. These concerns have been documented for parliament, and more will be forthcoming as the result of numerous "Freedom of Information Act"-type requests that have been made to the RCMP, CSIS and CBSA by CEUDA. Post will follow-up with CEUDA and report to Washington agencies on this information as it becomes available. End Comment.

Dickson